
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 451 **Hearing Date:** June 24, 2025
Author: Petrie-Norris
Version: February 6, 2025
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Law enforcement policies: restraining orders*

HISTORY

Source: Giffords Law Center to Prevent Gun Violence

Prior Legislation: SB 899 (Skinner), Ch. 544, Stats. of 2024
AB 2907 (Zbur), Ch. 538, Stats. of 2024
AB 2759 (Petrie-Norris), Ch. 535, Stats. of 2024
AB 2822 (Gabriel), Ch. 5465, Stats. of 2024
AB 3083 (Lackey), Ch. 541, Stats. of 2024
AB 36 (Gabriel), held in Assembly Appropriations, 2023
AB 818 (Petrie-Norris), Ch. 242, Stats. of 2023
SB 320 (Eggman), Ch. 685, Stats. of 2021
AB 339 (Irwin), Ch. 727, Stats. of 2019

Support: Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California District Attorneys Association; California Narcotic Officers' Association; California Reserve Peace Officers Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Peace Officers Research Association of California; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to require, on or before January 1, 2027, California law enforcement agencies to develop, adopt, and implement written policies and standards regarding court protection and restraining orders that include firearm access restrictions, as specified.

Existing law authorizes protective orders to be issued in domestic violence cases. (Fam. Code, § 6380 et seq.)

Existing law states that a person who is the subject of a domestic violence protective order issued by the court shall not own, possess, purchase, or receive a firearm or ammunition while the protective order is in effect. A violation of this prohibition is punishable as either a misdemeanor (owning or possessing a firearm when prohibited from doing so by a restraining order) or a wobbler (purchasing or receiving or attempting to purchase or receive a firearm when prohibited from doing so by a restraining order). (Fam. Code § 6389; Pen. Code § 29825.)

Existing law states that upon issuance of a domestic violence restraining order, the court shall order the respondent to relinquish any firearm in the respondent's immediate possession or control or subject to the respondent's immediate possession or control. (Fam. Code § 6389, subd. (c)(1).)

Existing law requires the relinquishment to occur by immediately surrendering the firearm or ammunition in a safe manner, upon request of a law enforcement officer, to the control of the officer, after being served with the protective order. Alternatively, if the request is not made by a law enforcement officer, the relinquishment shall occur within 24 hours of being served, by either surrendering the firearms or ammunition in a safe manner to the control of local law enforcement, or by selling, transferring, or relinquishing for storage to a licensed gun dealer. (Fam. Code § 6389, subd. (c)(2).)

Existing law requires a receipt to be issued to the person relinquishing the firearm or ammunition at the time of relinquishment and requires, within 48 hours after being served the order, the person to file the receipt with the court that issued the protective order and file a copy of the receipt with the law enforcement agency that served the protective order. (Fam. Code § 6389, subd. (c)(2)(A) and (B).)

Existing law requires a person who is the subject of a civil harassment, workplace violence or postsecondary violence temporary restraining order or injunction, elder abuse restraining order, or a restraining order issued during the pendency of criminal proceedings or following specified criminal convictions, to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control, within 24 hours of being served with the order, either by surrendering the firearm to the control of local law enforcement officials, or by selling the firearm to a licensed gun dealer, as specified. (Code Civ. Proc., § 527.9, subd. (a)-(b).)

Existing law defines a gun violence restraining order (GVRO) as "an order, in writing, signed by the court, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition." (Pen. Code, § 18100.)

Existing law establishes a civil restraining order process to prohibit and enjoin the subject of a GVRO from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. (*Id.*)

Existing law requires each municipal police department and county sheriff's department, the California Highway Patrol (CHP), and the University of California and California State University Police Departments to develop, adopt, and implement written policies and standards

relating to GVROs, and update such policies and standards as necessary. (Pen. Code, § 18108, subd. (a).)

Existing law provides that the policies and standards relating to GVROs shall do all of the following:

- Instruct officers on the use of GVROs in appropriate situations to prevent future violence involving a firearm and encourage the use of deescalation practices for officer and civilian safety when responding to incidents involving a firearm.
- Instruct officers on the types of evidence a court considers in determining whether grounds exist for issuance of a GVRO.
- Instruct officers to consider whether a GVRO may be necessary during a response to any residence that is associated with a firearm registration or record, during a response in which a firearm is present, or during a response in which one of the involved parties owns or possesses a firearm, or expressed an intent to acquire a firearm.
- Inform officers about the different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners and provide examples of situations in which each type of emergency protective order is most appropriate.
- Instruct officers to consider whether a GVRO may be necessary during a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm or expressed an intent to acquire a firearm.
- Encourage officers encountering situations in which there is reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm to consider obtaining a mental health evaluation of the person by a medically trained professional or to detain the person for mental health evaluation pursuant to agency policy.
- Reflect the policy of the agency to prevent access to firearms by persons who, due to mental health issues, pose a danger to themselves or to others by owning or possessing a firearm.
- Encourage officers to provide information about mental health referral services during a contact with a person exhibiting mental health issues.
- Be consistent with any GVRO training administered by the Commission on Peace Officer Standards and Training (“POST”). (Pen. Code, § 18108, subds. (b) & (c).)

Existing law requires law enforcement GVRO policies to include standards and procedures for all of the following:

- Requesting and serving a temporary emergency GVRO, an ex parte GVRO, a GVRO issued after notice and hearing.

- Seizing firearms and ammunition at the time of issuance of a temporary emergency GVRO.
- Verifying or ensuring the removal of firearms and ammunition from the subject of a GVRO.
- Obtaining and serving a search warrant for firearms and ammunition.
- The responsibility of officers to attend GVRO hearings and diligently participate in the evidence presentation process.
- Requesting renewals of expiring GVROs.
- Storing firearms surrendered pursuant to a GVRO.
- Returning firearms upon the termination of a GVRO, including verification that the respondent is not otherwise legally prohibited from possessing firearms.
- Addressing violations of a GVRO. (Pen. Code, § 18108, subd. (c).)

Existing law requires POST and each local law enforcement agency to conspicuously post on their internet websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act. (Pen. Code, § 13650.)

This bill requires each municipal police department and county sheriff's department, the CHP, and the University of California and California State University Police Departments, on or before January 1, 2027, to develop adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protective and restraining orders that include firearm access restrictions, including, but not limited to, civil harassment restraining orders, criminal protective orders, domestic violence restraining orders, emergency protective orders, gun violence restraining orders, juvenile restraining orders, postsecondary school violence restraining orders, workplace violence restraining orders, and elder or dependent adult abuse restraining orders, as specified.

This bill specifies that the policies and standards developed pursuant to the provision above shall ensure that the agency consistently complies with the requirements of California laws governing service and enforcement of protection and restraining orders and governing relinquishment of firearms by individuals who are armed and subject to those court orders, including new mandates and responsibilities placed on law enforcement agencies pursuant to specified measures from previous years.

This bill provides that in developing these policies and standards, law enforcement agencies shall also review and update existing protocols, policies, or standards pertaining to protection or restraining orders and law enforcement responses to domestic violence incidents to ensure these relevant protocols, policies, and standards are consistent with one another and current law and to ensure that they provide consistent and accessible guidance to law enforcement officers.

This bill specifies that the policies and standards shall instruct officers about all of the following:

- The array of civil and criminal protection and restraining order options available under California law to law enforcement officers, to victim-survivors, and to other eligible petitioners, as part of a range of potential crisis intervention and safety responses for individuals engaged in violent, abusive, or other dangerous conduct.
- The circumstances in which officers are authorized and encouraged to consider requesting emergency protective orders or gun violence restraining orders, including emergency, temporary, or final gun violence restraining orders after a hearing, and about circumstances in which the law enforcement agency may request workplace violence restraining orders to protect employees of the agency.
- The other civil and criminal protection and restraining orders available to other non-law enforcement petitioners that include provisions restricting a restrained person's access to firearms under California law in order to ensure that officers may effectively advise community members about their safety options, and to ensure that officers effectively coordinate with victims, witnesses, or prosecutors to request criminal protective orders in appropriate cases.

This bill specifies that the policies and standards shall ensure the agency consistently complies with the requirements of California law governing service of protection and restraining orders, as specified, and shall do all of the following:

- Provide a standard agency process for petitioners who have obtained protection or restraining orders to request that the law enforcement agency provide service of the order against a restrained person who resides in or is located in the agency's jurisdiction.
- Provide policies and standards to ensure that the agency effectuates service of orders in a timely manner after receiving requests for service, as specified.
- Provide policies and standards to ensure that officers who have served protection or restraining orders consistently accomplish all of the following steps as soon as possible and within one business day of serving the order:
 - Completing the appropriate proof of service form developed by the Judicial Council for the protection or restraining order.
 - Filing the proof of service form with the court.
 - Ensuring proof of service information is entered into the California Restraining and Protective Order System through the California Law Enforcement Telecommunications System to record that the order has been served on the restrained person.

This bill provides that the policies and standards shall ensure that officers effectuate firearm relinquishment at the time of service by requesting, at the time of service, that the restrained person immediately and safely relinquish to the officer's control any firearms, ammunition, body

armor, and other prohibited items in the restrained person's possession or control, or subject to the restrained person's possession or control.

This bill provides that the policies and standards should ensure officers consistently accomplish the following steps upon serving a protection or restraining order:

- Notify the restrained person that they are required to immediately transfer all firearms and prohibited items they possess or control to the officer serving the order.
- Request that the restrained party immediately transfer to the officer, safely and unloaded, any firearms or other prohibited items they possess or control.
- Conduct a consent search or other lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search.
- Complete the appropriate proof of firearm relinquishment form developed by the Judicial Council that serves as the receipt to document relinquished firearms and other prohibited items and issue the receipt form to the restrained person.
- Ensure the Automated Firearms System is updated to record any firearms that the restrained person relinquished to the law enforcement officer.
- Determine whether the restrained person possesses or controls other firearms that they have not relinquished to the officer, as specified.

This bill provides that the policies and standards shall do all of the following:

- Provide a standard agency process for officers to promote firearm relinquishment compliance in circumstances where a restrained person owns, possesses, or controls firearms but credibly indicates that they cannot relinquish all firearms at the time of service, including circumstances where those firearms are stored in another location, as specified.
- Instruct officers to inform the restrained person that failure to comply with the requirements and timelines above may result in fines, arrest, and criminal penalties.
- Require officers to encourage restrained individuals to relinquish any firearms they cannot immediately relinquish to the officer through a designated third party or with law enforcement supervision to reduce the risk that the restrained person will access the firearms or other items to threaten or harm individuals protected by the court order or to otherwise harm themselves or others, as specified.

This bill provides that the policies and standards shall instruct officers about how to provide accessible information if the restrained person credibly indicates that they do not possess or control firearms that had been associated with the restrained person in the Automated Firearms System, the court order, or other sources, including information regarding the Department of Justice Relinquishment of Firearms Form and other responses to the protection or restraining order regarding firearms, as specified.

This bill states that the policies and standards shall provide a process for the agency, in coordination with court staff and other law enforcement agencies and stakeholders, to proactively identify restrained persons who are illegally armed in violation of the court order and state law.

This bill specifies that the policies and standards shall instruct officers to take one or more of the following steps to ensure firearm relinquishment compliance and the safety of any individuals protected by the court order, if the agency receives credible information indicating that the restrained person has not relinquished all firearms or other prohibited items as required:

- Contact the restrained person to facilitate and verify immediate firearm relinquishment compliance.
- Take custody of firearms or other prohibited items at a location where there is probable cause to believe those items are located, including through a consent or other lawful search or by requesting a search warrant to search for and seize these items.
- Notify appropriate partners, such as court clerks, prosecutors, and petitioners or protected parties who may be in danger, that the restrained person has violated the protection or restraining order's firearm relinquishment requirements.
- Arrest the restrained person for violating the court order and state law.

This bill provides that the policies and standards shall provide a standard process for restrained individuals and other community members to safely relinquish firearms to the custody of the agency, and for the agency to store and track relinquished firearms, assess reasonable fees for storage, and return relinquished firearms to the restrained person at the expiration of the order, upon request, if the firearm owner passes a background check verifying that they are the legal owner and are not otherwise prohibited from receiving the firearm.

This bill requires the law enforcement agency to make the standards and policies available to the public upon request, and shall post the information on the agency's website about how petitioners may request service of protection or restraining orders by that agency and how prohibited persons and other community members may relinquish firearms to the custody of the agency.

This bill encourages law enforcement to consult and collaborate with various specified entities in developing and updating the standards and policies required therein.

COMMENTS

1. Need for This Bill

According to the Author:

California has some of the strongest gun violence prevention laws in the nation, but inconsistent enforcement of firearm relinquishment laws continues to put lives at risk. Under current law, individuals subject to protective orders must surrender their

firearms—but in practice, enforcement varies widely from county to county. Some law enforcement agencies have strong policies in place, while others do not, creating a dangerous gap in public safety.

Survivors of domestic violence, stalking, and workplace harassment deserve full protection under the law. Yet when firearm surrender laws aren't enforced, these individuals remain vulnerable. In 2023 alone, nearly 290,000 protective orders were issued in California—a 20% increase since 2020. Despite this, a small number of counties account for most enforcement actions, while others rarely follow through. This inconsistency undermines protective orders and creates an unequal system of justice where safety depends on geography.

AB 451 will change that by requiring all law enforcement agencies to adopt standardized, enforceable firearm relinquishment policies. The bill mandates that firearms be surrendered within 24 hours and that proof of compliance be submitted within 48 hours. These clear, statewide standards will help ensure dangerous individuals do not retain access to firearms. Every Californian deserves to feel safe—regardless of their ZIP code. AB 451 will close dangerous loopholes, strengthen enforcement, and bring fairness and consistency to our protective order system. I urge my colleagues to support this bill and take a crucial step toward preventing gun violence and saving lives.

2. Protective Orders Involving Firearm Restrictions

California law allows for the issuance of restraining orders and protective orders in a wide range of contexts, including orders that may be issued before a criminal or civil trial occurs and orders that may only be issued upon conviction or finding of liability. As an initial matter, it is worth noting that there is often some confusion about the terminology surrounding protective orders and restraining orders. Generally, protective orders are shorter in duration (also called “temporary restraining orders, or TROs), and restraining orders are longer and issued only after notice to a respondent and a subsequent hearing (also called “restraining orders after hearing,” or ROAHs). Further, requests for protective orders are often submitted by law enforcement, or simply granted by the court sua sponte, whereas restraining order requests are usually lodged by the victim of the alleged abuse or misconduct.¹ For the purposes of this analysis, all such orders, both protective and restraining, will simply be referred to as “restraining orders.”

Generally, existing law sets forth six separate categories of restraining orders, including domestic violence restraining orders (DVROs), civil harassment restraining orders, elder abuse restraining orders, gun violence restraining orders (GVROs), workplace violence restraining orders, and school violence restraining orders.² DVROs are issued to protect a petitioner who presents “reasonable proof of a past act or acts of abuse,” and are among the most common restraining orders issued throughout the state, and can be issued either pretrial or post-conviction.³ Civil harassment restraining orders offer protection against someone with whom the petitioner does not have a close relationship, such as a neighbor, certain relatives, a landlord, or a co-worker.

¹ “Guide to Protective Orders.” California Courts Self-Help Guide. Guide to Protective Orders | California Courts | Self Help Guide; *Judges Guide to Restraining Orders: Domestic Violence Restraining Orders*. Judicial Council of California, published October 2023, pp. 8-33. DVRO-benchguide.pdf

² Family Code § 6389; Code of Civil Procedure §§ 527.6, 527.8, 527.85; Welfare and Institutions Code § 15657.03; Penal Code § 18100 et. seq.; Types of restraining orders | California Courts | Self Help Guide

³ Fam. Code, §§ 6218, 6300

Further, elder abuse restraining orders protect adults aged 65 or above or other dependent adults from someone abusing or neglecting them, while workplace and school violence protection orders allow employers and school administrators to petition for an order protecting an employee or student, respectively. Unlike the preceding types of restraining order, under which the primary focus is restricting contact between parties, GVROs are designed to temporarily remove firearms from individuals who pose a significant danger of causing injury to themselves or others.⁴

In addition to these six types of restraining order, courts can also issue protective orders in conjunction with a criminal case, which generally seek to protect victims either prior to trial or after conviction. These criminal protective orders (CPOs) are usually related to interpersonal abuse, such as victim or witness intimidation, elder or dependent adult abuse, stalking and domestic violence. Generally, these orders may be valid for up to 10 years at the judge's discretion, and the Legislature has repeatedly expressed its intent that the length of these orders be based on the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and their immediate family.⁵

The statutes establishing the six types of restraining orders discussed above, as well as both pretrial and post-conviction CPOs, also subject the restrained party to certain firearm restrictions. These provisions are fairly standard across all types of restraining order or CPO, and in addition to prohibiting the restrained party from possessing, purchasing, or receiving, or attempting to purchase or receive firearms while the orders are in effect, these provisions require the court to order the relinquishment of firearms under the subject's control and prescribe penalties for a violation of the prohibition.⁶

3. Firearm Relinquishment Procedures

In 2022, the Legislature strengthened the firearm relinquishment procedures that apply to persons subject to a DVRO.⁷ Specifically, legislation required courts provide information about how any firearms or ammunition still in the restrained party's possession are to be relinquished, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment. If evidence of relinquishment has not been provided to the court, the court must notify law enforcement, and law enforcement must take all necessary actions to obtain the firearms and ammunition unlawfully in the possession of the restrained person. The law also required that if the court finds at a noticed hearing that the subject of the restraining order has violated the firearms prohibition, the violation shall be reported to the prosecuting attorney within two business days of the court hearing unless the respondent provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.

In 2024, the Legislature passed SB 899 (Skinner), Chapter 544, Statutes of 2024, which sought to promote uniformity of firearm relinquishment procedures by extending the firearm and ammunition relinquishment procedures for most other restraining orders into alignment with those that exist for DVROs.⁸ These changes, which go into effect January 1, 2026, generally require that upon the issuance of a restraining order, the subject of the order must relinquish

⁴ GVROs can only be requested by certain parties, usually by law enforcement, but in certain cases by the subject's immediate family, employer, co-worker, employee or teacher.

⁵ Pen. Code §136.2

⁶ For an example of these firearm restriction provisions, see Code of Civil Procedure, § 527.8, subd. (t).)

⁷ SB 320 (Eggman), Chapter 685, Statutes of 2021.

⁸ SB 899 (Skinner), Chapter 544, Statutes of 2024; see Family Code, § 6389; Code of Civil Procedure, § 527.9.

control of any firearms or ammunition within 24 hours, and must provide the court with proof of relinquishment within 48 hours of receiving the order. Under SB 899, the court must provide instructions to the restrained party on how to comply with these relinquishment provisions, and must notify law enforcement regarding any non-compliance.

4. Effect of This Bill

Of particular relevance to this bill, existing law requires local law enforcement agencies, the CHP, and the University and Cal State University Police Departments to develop, adopt and implement written policies and standards relating to GVROs, which are required to instruct officers how to determine when the use of a GVRO is appropriate, specifically with regard to domestic violence situations and in encounters with individuals with mental health issues. Existing law provides that written policies and standards must be consistent with any POST training regarding GVROs and include standards and procedures for requesting, renewing and serving GVROs, seizing firearms and verifying the removal of firearms from the respondent, and obtaining and serving search warrants.⁹

Additionally, existing law includes several permissive provisions suggesting that law enforcement agencies' standards and policies related to GVROs "encourage" the use of GVROs in appropriate situations to prevent future firearm violence, and that the policies encourage officers to consider obtaining a mental health evaluations in certain scenarios. Existing law also encourages, but does not require, law enforcement agencies to train officers on GVRO standards and procedures and to consult with gun violence prevention experts and mental health professions in developing the GVRO standards.¹⁰

Currently, GVROs are the only type of restraining order for which law enforcement agencies must develop such standards and procedures under California law. This bill seeks to change that by requiring each municipal police department and county sheriff's department, as well as the CHP and the University of California and California State University Police Departments, by January 1, 2027, to develop, adopt and implement written policies and standards regarding court protection and restraining orders that include firearm restrictions, including all of the types of restraining orders discussed in comment 2 above. Like the policies and standards required for GVROs, those required under this bill must provide instruction to officers on what types of orders are available and when they are appropriate, so that the officers can effectively advise community members and coordinate with victims, witnesses or prosecutors. Additionally, the bill requires that agencies develop processes for serving the order on a restrained person in a timely manner, and includes a specific process that officers must follow within one business day of serving the order. The bill prescribes a similarly specific process that officers must follow when seeking the relinquishment of firearms and other prohibited items by a restrained party, and a separate process for instances where a restrained party credibly indicates that they cannot relinquish all firearms at the time of service. The bill also requires officers to proactively identify restrained persons who are illegally armed.

Broadly, given the recent legislation discussed above seeking to conform firearm and ammunition relinquishment procedures across various types of restraining orders, this bill's efforts to require law enforcement agencies to standardize their internal restraining order procedures seems reasonable. However, the bill's lengthy provisions may be overly prescriptive

⁹ Pen. Code §18108.

¹⁰ *Ibid.*

and in some cases are likely redundant, especially given existing requirements related to GVRO policies and standards. The Author and Committee may wish to amend the bill to ensure that it clearly does not apply to GVRO-related policies and standards, or conversely, may consider requiring agencies to include the other types of restraining orders in their GVRO policies and standards. In addition, the Author and Committee should consider condensing several provisions of the bill related to relinquishment processes. For instance, subdivisions (g), (h), and (i) of the bill all relate to certain aspects of relinquishment, but could be condensed into a single subdivision with some of the more prescriptive language struck to allow for agencies with different capacities and demographics to establish processes more appropriate to their specific circumstances.

There are several other provisions that the Author and Committee may wish to clarify. One provision requires officers to, upon serving a restraining order, “conduct a consent search or other lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search.” It is unclear why the bill specifically calls for officers to seek a consent search, when “any lawful search, as necessary” would be sufficient. Additionally, the bill refers to “other prohibited items” when describing what should be relinquished to officers, but it may be more appropriate to specify the particular items sought, such as ammunition, body armor or other prohibited *weapons*. Finally, another provision of the bill provides that the policies and standards “should” ensure that officers consistently accomplish certain steps when serving a restraining order. Is this intended to be permissive?

5. Argument in Support

According to the Peace Officers Research Association of California:

This bill will help ensure agencies have clear and consistent guidance when serving and enforcing both civil and criminal protective orders. It also provides officers with the necessary training and information on the full range of restraining order options available under California law—for both petitioners and law enforcement personnel. As the largest statewide organization representing rank-and-file peace officers, PORAC supports policies that strengthen officer preparedness and promote safer outcomes during potentially high-risk situations. AB 451 aligns with these goals by encouraging thoughtful policy development and statewide consistency.

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